

**THE RECORD  
SPECIAL TOWN MEETING  
NOVEMBER 4, 2008  
Town of Bar Harbor**

The Town of Bar Harbor Special Town Meeting was held in conjunction with the Presidential election in the Municipal Building auditorium, third floor; and the Town Clerk called the meeting to order at 8:00 a.m. Election clerks in attendance were: Democrats - Anna Ryan, Deborah Dyer, Karen McFarland, John O'Brien, Glenon Friedmann, Charlene Tibbetts; Republicans - Eleanor Raynes, Joan Allen, Bonnie Mohr, James Kitler, and Sherri Alley; and Unenrolled: Mary Opdyke. Patricia A. Gray served as Warden.

Absentee ballots were cast the day before, November 3, 2008, at 10:00 a.m. until 6:00 p.m. with the following election clerks in attendance: Democrats: Anna Ryan, James Linnane, Suzanne FitzGerald, Charlene Tibbetts; Republicans: Eleanor Raynes, James Kitler, Sherri Alley; and Unenrolled: Mary Opdyke. Mary Parker was duly sworn-in as Deputy Clerk.

**Article 1 - ELECTION OF MODERATOR** - *To choose a Moderator to preside at the meeting.* The Town Clerk opened the floor for election of moderator. Nomination for Chad Smith as moderator was made. There were no other nominations. It was moved, duly seconded and voted that nominations cease. Motion passed unanimously. Six votes were cast for Chad Smith. Mr. Smith was declared elected moderator and was sworn in by the Town Clerk. Richard Hirte and Gary Mohr were appointed by the moderator as Deputy Moderators and were duly sworn in. The Moderator declared the polls open at 8:07 a.m. until 8:00 p.m.

There were 3,167 Town ballots cast that included 1710 absentee ballots. There were twenty-two spoiled ballots. The election results were as follows:

**Article 2 – CHARTER COMMISSION CREATION** – Shall a Charter Commission be established, pursuant to 30-A MRSA section 2102(5), to review the Town Charter and advise the voters what, if any, Charter amendments or revisions the Commission recommends?

***Recommendations:***

*The seven member Town Council recommends adoption, a vote of 6 to 1.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 12 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2295**

**NO 401**

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**Article 2A – ELECTION OF CHARTER COMMISSION MEMBERS** – To elect six Charter Commission members as required by State Law 30-A MRSA section 2103.

The number of votes cast for the following nominees were:

**1790 Albert, Enoch H.**

**1985 Brewer, Leslie C.**

**2077 Cough, Richard B.**

**1897 Fox, Richard R.**

**1899 Gurtler, Michael A.**

**1989 Woodside, David B.**

**Write-Ins:** With one vote each: Donald Bell, Sean Sweeney, Leslyn Shea, James Willis, Paul Murphy, Gage Villere, Betsy Johnson, Jon Carter, Shane Carter, Winston Shaw, Chris Maller, Amanda Farley, Dawna Burton, Elsie Flemmings, Gray Cox, Mike Bonsey, Paul Paradis, Sue Murphy, Richard Borden, Ken Cline, , Sandy McFarland, Edward Damn, Cas Dowden, Joe Cough, Bill Vandegrift, Michael Hallet, Carol Mattingly, Michael Rosenstein, Scott Swann, David Opdyke, Robert Bothen, Matthew Gerald, Lisa Burton, Karen Shields, Judy Allen, Julie Veilleux, Tim Brown, Jane Disney, Amanda Kendall, Brian Redmond, Barbara Sassman, Mike Reisman, Jim Elk , Chuck Donnelly, Jacob Null, Tom Karnofsky, August Lozano, Rebecca Sargent, Betty Bryer, Ed Jackson, Chad Smith, David Cowing, Leland Moore, J. T. Burton III, William McFarland, Basil Eleftheriou, Victor Serge, Mark Brown, Brent Walton, Michael Astle, Paul Coston, Richard Collier, Ethan Fogg, Sara Murray, and Daniel Lourie.  
With two votes each: Michael Ross, Richard Hamor, Theodore Higgins, David Einhorn, Michael Good, Claire Sasner, and Valerie Scott.

With three votes each: Jill Goldthwait, Jeff Dobbs, Tom Burton

With four votes each: Ken Smith, Robert Collier

Invalid votes: Seven

**Declared elected: Enoch H. Albert, Leslie C. Brewer, Richard B. Cough, Richard R. Fox, Michael A. Gurtler, and David B. Woodside**

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**Article 3 - LAND USE ORDINANCE AMENDMENT – Wireless Communication Facilities Ordinance** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to add a 1,500 foot

setback to private compulsory schools and child care centers, increase the setback of public schools from 500 feet to 1,500 feet and make other minor language modifications” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 1.*

**VOTED: This article passed by the following votes:**

**YES 2220                      NO 580**

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**Article 4 - LAND USE ORDINANCE AMENDMENT – Shoreland Standards** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to update the regulations for Shoreland Districts” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 2 to 1.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 12 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2140                      NO 539**

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**Article 5 – LAND USE ORDINANCE AMENDMENT – Planned Unit Development – Outlying Area** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to add new standards to the Planned Unit Development – Outlying Area guidelines and make accompanying definition changes” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 10 to 1.*

**VOTED: This article passed by the following votes:**

**YES 2093                      NO 538**

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**Article 6 - LAND USE ORDINANCE AMENDMENT –Planning Board Procedure–** Shall an Ordinance dated July 15, 2008 and entitled “An amendment to make changes to the Planning Board’s site plan review procedure” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2204                      NO 422**

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**Article 7 - LAND USE ORDINANCE AMENDMENT – Nonconforming Vacation Rentals –** Shall an Ordinance dated July 15, 2008 and entitled “An amendment to change the language of how and when landlords show proof of vacation rentals on non-homestead exemption properties” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2115                      NO 568**

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**Article 8 – LAND USE ORDINANCE AMENDMENT – Residential Garage Definition –** Shall an Ordinance dated July 15, 2008 and entitled “An amendment to change the definition of a residential garage to remove the requirement that it not be more than 35% of the ground floor area of any principal one or two-family dwelling” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2094                      NO 606**

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**Article 9 – LAND USE ORDINANCE AMENDMENT – Gross Leasable Area Definition** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to change the definition of Gross Leasable Area” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2048                      NO 542**

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**Article 10 - LAND USE ORDINANCE AMENDMENT – Exceptions to Setbacks** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to allow for exceptions to setbacks within the shoreland districts” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2069                      NO 676**

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**Article 11 - LAND USE ORDINANCE AMENDMENT – Temporary Storage Facilities** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to allow for construction or job site office or equipment storage facilities to be in place for the duration of construction” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2391                      NO 379**

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**Article 12 – LAND USE ORDINANCE AMENDMENT – Height (Downtown Business Districts)**

**Definition** – Shall an Ordinance dated July 15, 2008 and entitled “An amendment to change the definition of Height in the Downtown Business Districts” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 7 to 4.*

**VOTED: This article passed by the following votes:**

**YES 1607                      NO 1106**

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**Article 13 - LAND USE ORDINANCE AMENDMENT –Lighting Ordinance** – Shall an Ordinance dated August 5, 2008 and entitled “An amendment to add new lighting requirements for new development projects that incorporate dark sky lighting standards” be enacted?

***Recommendations:***

*The five member Planning Board recommends adoption, a vote of 3 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2270                      NO 568**

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**Article 14 – School Reorganization Plan** - Do you favor approving the school administrative reorganization plan prepared by the Mount Desert Island Reorganization Planning Committee to

reorganize the Bar Harbor School Department, Mount Desert School Department, Southwest Harbor School Department, Tremont School Department, Cranberry Isles School Department, Frenchboro School Department, Trenton School Department, Maine School Administrative District No. 76 (Swans Island) and Mount Desert Island Regional School District into an Alternative Organizational Structure with an effective date of July 1, 2009?

*(Copy of the Mount Desert Island Regional School System (MDI RSS) Plan and Interlocal Agreement are on file in the Town Clerk's office)*

***Recommendations:***

*The five member School Board recommends adoption, a vote of 4 to 0.*

*The seven member Town Council recommends adoption, a vote of 7 to 0.*

*The twenty-two member Warrant Committee recommends adoption, a vote of 11 to 0.*

**VOTED: This article passed by the following votes:**

**YES 2422                      NO 415**

Attest:

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Patricia A. Gray Town Clerk of Bar Harbor